

**In The Matter Of:**

*Dwight Hurd v.  
Dr. Charles Lye, et al.*

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*Roger Dodd*

*June 10, 2020*

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*WV Depos*

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Clarksburg, West Virginia 26301*

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**EXHIBIT**

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<p>1 A. That would have been the associate warden, 2 Dennis Peters.</p> <p>3 Q. What does being a shift commander -- I know 4 you said that you're responsible for the overall safety 5 of the facility, but what sort of specific job duties do 6 you have in that position?</p> <p>7 A. Well, there's paperwork that has to be done 8 every shift. Incident reports that -- that are filed on 9 my shift go through me and I review them, things of that 10 nature. Any problems arise, questions to be answered.</p> <p>11 Q. Are you responsible for reviewing or answering 12 inmate grievances?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Are you responsible for any sort of oversight 15 or disciplinary action with regards to any employees?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Are you responsible for scheduling?</p> <p>18 A. Yes. Yes, ma'am.</p> <p>19 Q. Do you review log notes?</p> <p>20 A. I don't know what you mean by "log notes." 21 I'm sorry.</p> <p>22 Q. Am I correct that during each shift there's a 23 logbook on a unit where there's notes taken?</p> <p>24 A. Yes, ma'am. Yes. I'm sorry. Go ahead.</p>	<p>1 A. Okay.</p> <p>2 Q. Have you ever gotten angry at an inmate?</p> <p>3 A. In 17 years I would assume probably, yeah.</p> <p>4 Q. Do you remember who Dwight Hurd is?</p> <p>5 A. Yes.</p> <p>6 Q. And what are your impressions of Mr. Hurd?</p> <p>7 A. I really don't have any. I knew of him the 8 night of that incident, and I haven't had any 9 involvement with him since that incident.</p> <p>10 Q. Is the night of incident the first time you 11 recall any interactions at all with him?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Can you tell me what you recall about the 14 night of the incident on October 21st?</p> <p>15 A. You just want me to run you through what 16 happened?</p> <p>17 Q. Sure.</p> <p>18 A. Okay. I got a phone call from my supervisor, 19 Dennis, to go get Mr. Hurd, take him to medical to get 20 him a pre-seg check, and then take him to seg. I had a 21 trainee at the time that was working, so I took her to 22 go do it while I supervised. And I let her try to 23 handle it, and then I would just watch. She went to 24 Mr. Hurd's door, had him come out of his room. He did.</p>
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<p>1 Q. I'll just -- for the record, do you review the 2 notes in the unit logbooks?</p> <p>3 A. Yes. A supervisor reviews them every night, 4 either me or one of my sergeants.</p> <p>5 Q. You mentioned that you reviewed disciplinary 6 incident reports. Is that right?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Are you responsible for drafting anything if 9 it's an incident that you were not personally involved 10 in, or are you simply reviewing those?</p> <p>11 A. Just reviewing.</p> <p>12 Q. And are you responsible for issuing any 13 disciplinary reports to inmates?</p> <p>14 A. Do I issue disciplinary reports? If I see a 15 violation take place, yes.</p> <p>16 Q. So with that respect, your duties with issuing 17 disciplinary reports would be the same as any 18 correctional officer?</p> <p>19 A. Yes.</p> <p>20 Q. I apologize. Is it getting hard to hear me?</p> <p>21 A. No. Well, I don't hear very well, so that's 22 why I'm leaning up toward the monitor.</p> <p>23 Q. Sure. Well, please, any time you haven't 24 heard a question or I need to repeat, just let me know.</p>	<p>1 She instructed him to get up against the wall for a pat 2 down, and he refused. And she asked him a couple times. 3 He refused. So I walked over to him and took him by the 4 arm and told him, "Come on. Let's go get on the wall. 5 Let me pat you down and take you up to medical." At 6 that time he jerked away from me, displaying defensive 7 resistance, and ran out into the middle of the unit or 8 the pod. I continued -- I told him to get against the 9 wall multiple times. He refused. I took out my OC and 10 told him that, you know, he needs to get on the wall and 11 comply with the orders or I'd deploy a burst of my OC. 12 He still refused. I did deploy one burst. Whether I 13 hit him or not I don't know because he took off running 14 about the time I did. He ran to his right, which would 15 be my left, and I moved to cut him off, and I grabbed 16 ahold of him. We went to the floor. He struggled with 17 me. Officer Stout deployed more OC trying to get him to 18 quit struggling, quit resisting. At some point he had 19 managed to get on top of me. Then other officers 20 arrived at the scene. And at that point after that I 21 was, like, at the bottom of a big -- of a pile and with 22 OC in my face. So that's pretty much the extent of it, 23 of my part in it.</p> <p>24 Q. Just to clarify for the record, you said that</p>

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<p style="text-align: right;">Page 33</p> <p>1 A. Yes, ma'am.      2 Q. And then do you know where within the      3 segregation unit he would have been decontaminated?      4 A. In the shower.      5 Q. And at any point did you see him in      6 segregation prior -- prior to the later that night      7 suicide attempt, did you see him again?      8 A. No.      9 Q. So the last time you saw Mr. Hurd that      10 night -- again, prior to the suicide incident -- would      11 have been at medical; is that right?      12 A. No. When he went in -- when he was taken into      13 segregation, once he was in segregation and put in the      14 shower, I left.      15 Q. Oh. So you were part of the escort to the      16 shower for decontamination?      17 A. Yes. I'm not sure if I took him to the      18 shower. I know I helped take him to the unit.      19 Q. Okay. So as we've mentioned, we know there      20 was a second incident that night. Prior to the      21 discovery of Mr. Hurd's suicide attempt, do you know      22 whether he had been evaluated or seen by anyone from      23 mental health?      24 A. I would say no because of the time of the</p>	<p style="text-align: right;">Page 35</p> <p>1 segregation unit.      2 Q. Do you remember who made that call?      3 A. It would have either been Sergeant Ratliff or      4 Officer Leonard. They were the two working there. I'm      5 not sure which one called me.      6 Q. And do you remember what time that would have      7 been?      8 A. No, ma'am.      9 Q. And what did you discover or understand had      10 happened?      11 A. What did I discover had happened when I got      12 there?      13 Q. Well, let me ask this: When you were called      14 to report to the segregation unit, was there anything --      15 were you told why, or was it simply --      16 A. It was to check on Mr. Hurd whether -- I don't      17 know how much details they went into. I just knew I      18 needed to come check on Mr. Hurd.      19 -----      20 (Court reporter clarification)      21 -----      22 MS. MILNES: I think I said "or was it      23 simply 'Please report'"?      24 BY MS. MILNES:</p>
<p style="text-align: right;">Page 34</p> <p>1 evening.      2 Q. Under normal circumstances, so had there not      3 been a second incident, do you know when he would have      4 been seen, or would he have eventually been seen by      5 mental health, or do you know?      6 A. I don't know.      7 Q. Given that he was acting erratically, did      8 anyone make any recommendations that he be seen by      9 mental health?      10 MR. LEMASTERS: Object. Object to form.      11 Facts not in evidence. He never testified that he was      12 acting erratically.      13 BY MS. MILNES:      14 Q. Given that you earlier testified that his      15 actions were unusual, did you or anyone else recommend      16 that he be seen by mental health?      17 A. I did not recommend it. I -- but I didn't      18 say -- I said his actions were unusual for an inmate at      19 this facility, not that they were usual for him, because      20 I have no previous history with him.      21 Q. Prior to -- well, let's -- so with the second      22 incident, how did you learn that there had been a      23 suicide attempt?      24 A. I got a phone call asking me to report to the</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So in your own words, what happened when you      2 reported?      3 A. I looked in his window and he was laying on      4 the floor with a sheet tied around his neck.      5 Q. What happened next?      6 A. Myself, I went in the room with I believe it      7 was Dennis Peters, and I untied the sheet from his neck.      8 Q. And did you participate in any further      9 transport or checking of Mr. Hurd after that?      10 A. I don't believe so.      11 Q. After that incident, do you know whether      12 Mr. Hurd was placed on suicide watch?      13 A. Yes, he was.      14 Q. Do you ever participate in doing checks for      15 inmates who are on suicide watch?      16 A. No, ma'am.      17 Q. Are you familiar with what the procedures are      18 for that?      19 A. I mean, are you asking am I -- am I the      20 officer assigned to watch them when they're on suicide      21 watch? Is that what you're asking me?      22 Q. Well, I think that's what I asked the last      23 question, and I understood that you said no to that; is      24 that right?</p>